

REMARKS

Applicant greatly acknowledges the courtesies extended by the Examiner to the Applicant's attorney in the telephonic interview of January 3, 2003.

In the present Action, the Examiner notes that Applicant's remarks received on January 16, 2003 have been reviewed "but are not convincing." Thereafter, the Examiner notes "the display of a computer system and the illustration of a logic flow chart or other representation of the software process appears to be a reasonable remedy to obviate the objection to the drawings." Applicant does not understand the Examiner's position as FIG. 1B is indeed a block diagram of a computer system and FIGs 3, 4A and 4B are indeed logic flow charts which illustrate the process described in the present specification.

Further, Applicant respectfully urges that the Examiner may be confused with respect to this matter as, in paragraph 2 of the Examiner's Action, the Examiner asserts that "FIG. 1B does not disclose a microprocessor 55 as asserted by the Applicant from page 8 (1/16/03 REMARKS)." Applicant respectfully urges the Examiner to consider that the cited portion of Applicant's REMARKS are a quote from the Court of Appeals from the Federal Circuit with respect to *In Re Hayes Micro Computer Products, Inc.* Patent Litigation 25 U.S.P.Q.2d 1241, in which that Court held that it was not necessary for the various "means" described within the claims to be illustrated in the drawings if the drawings submitted were "sufficient for a skilled artisan to understand the subject matter of the claimed invention."

In that particular application, the alleged infringer asserted that a "timing means" and various other means described within the claims of the patent were not illustrated in the drawings and the Court of Appeals for the Federal Circuit held expressly that drawings and technical description exactly like those submitted with the present application are all that is required to satisfy the description requirement in such circumstances. It should be noted that the Federal Circuit did not require the Applicant to amend the drawings in that application to label the microprocessor as "timing means" and thus, the Examiner's request that microprocessor 116 of FIG. 1B be labeled "association means" is not believed to be required for one having ordinary skill in this art to comprehend the present invention.

Applicant respectfully acknowledges the Examiner's withdrawal of the rejection under 35 U.S.C. § 112 first and second paragraph from the previous Examiner's action.

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Nevertheless, the Examiner sustains the rejection of claims 8, 11, 15 and 18 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the Applicant regards as the invention. That rejection is once again respectfully traversed.

With respect to claim 8, line 2, the "association means" is clearly supported by block 306 of FIG. 3 and is graphically illustrated at reference numeral 212 in FIG. 2A.

Next, with respect to claim 11, line 2, the "indication means" is also clearly illustrated by block 308 of FIG. 3 and the aforementioned reference numeral 212 within FIG. 2A.

With respect to claim 15, the "instructions" recited as being present within computer useable media for performing these steps are, as those having ordinary skills in this art will appreciate, the instructions steps described within the aforementioned logic flow charts as is the instruction means set forth within claim 18. Consequently, Applicant urges the Examiner that the rejection of these claims under 35 U.S.C. § 112, second paragraph, is not well founded and would not be sustained upon reference to the Board of Patent Appeals and Interferences and withdrawal of that rejection is therefore respectfully requested.

The Examiner has also rejected claims 1, 4-6, 11, 15, 18, 21, 23, 25 and 26 under 35 U.S.C. § 103(a) as being unpatentable over *Schrader et al.* (USP 5,903,881) in view of *Stein et al.* (USP 5,826,241) and further in view of *Microsoft Money*. That rejection is respectfully traversed.

The claims in the present application are directed to a technique for facilitating account statement reconciliation which involves associating selected transactions within data records within a computer to form a "persistent transaction group" wherein that transaction group maybe treated as both a single transaction and as a plurality of individual transactions by the user where the selected transaction were paid or deposited together and further, "displaying within a computer a total for the transaction group when the selected transactions within the transaction group are individually displayed, wherein the total for the transaction group maybe readily reconciled with a consolidated entry in an external account statement." Applicant agrees with the Examiner that *Schrader et al.* does indeed disclose a processor for facilitating account statement reconciliation within a computer; however, nothing within *Schrader et al.* shows or suggests in anyway the association of selected transactions to form a persistent transaction and group wherein the group maybe treated both as a single transaction and as a plurality of

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individual transactions and the displaying within a computer of a total for that transaction group when the selected transactions are individually displayed as expressly set forth within the claims of the present application. *Schrader et al.* teaches an outbox 167 in which individual transactions are queued for a first-in, first-out processing, but fails to show or suggest in anyway the aggregate treatment of individual transactions into persistent transaction groups as expressly set forth within the claims of the present application.

Further, the Examiner asserts that *Stein et al.* discloses the grouping of individual transactions into larger categories and the treating of a transaction group as a single transaction when the selected transactions were paid or deposited together; however, even a cursory examination of *Stein et al.* reveals that *Stein et al.* merely disclose the utilization of a settlement queue 168 in which accumulated transactions are batched processed once said aging or cumulative amount threshold has been reached. Neither of these references teaches or suggests in anyway the treating of transactions as both discreet individual transactions and as a single transaction as expressly set forth within the claims.

Additionally, the Examiner's citation of *Microsoft Money*, while illustrating the splitting of a transaction into multiple parts, fails to show or suggest in any way the display within the computer system of a total for the transaction group when the selected transaction within the transaction group are individually displayed. The Examiner has previously noted a belief that "0.00" was the total for the transaction group displayed within the split transaction illustration at the bottom of page 40 of *Microsoft Money* and now specifies the total of "176.00" illustrated in the unsplit transaction displayed at the top of page 40; however, Applicant is not claiming the display of a total for a transaction group which has not been split, but rather, as expressly set forth within the claims of the present application "displaying within a computer a total for the transaction group when the selected transactions within the transaction group are individually displayed, wherein the total of the transaction group may be readily reconciled with a consolidated entry in an external account statement." Applicant urges the Examiner to consider that page 40 of the *Microsoft Money* reference either displays a single transaction and the total or the multiple transactions within a transaction group without the total for that transaction group and consequently, this reference, whether considered alone or in combination with *Schrader et al.* and *Stein et al.* fails to show or suggest the invention set forth within the claims of the present application.

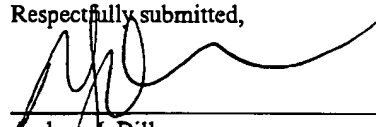
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Finally, the Examiner's reference to page 76 of *Microsoft Money* wherein a summary report is depicted having a grand total is entirely irrelevant to the invention set forth within the present claims which is expressly directed to the concept of associating selected transactions to form a persistent transaction group and thereafter displaying within the computer both a total for the transaction group and the individual transactions, as expressly set forth within the present claims. Applicant respectfully urges the Examiner to consider that the Applicant is not claiming display of a "total" *per se*, but rather the display of a total for a group of persistently associated transactions when the transactions within that group are displayed individually. Consequently, Applicant urges that these references, whether considered alone or in combination, fail to show or suggest the invention set forth within the claims of the present application.

Further, Applicant notes that claim 8 is rejected by the Examiner under 35 U.S.C. § 112, second paragraph, for reasons which are traversed by the Applicant herein, but not rejected over the cited combination of references. Consequently, Applicant urges that if, upon reflection upon the state of law as set forth by the Court of Appeals for the Federal Circuit in the *In Re Hayes Micro Computer Products, Inc.* decision noted above, this claim remains unrejected by art and should be allowed.

No fee or extension of time is believed to be required; however, in the event any fee, including a fee for an extension of time, is required, please charge that fee to **IBM DEPOSIT ACCOUNT NO. 09-0447**.

Respectfully submitted,



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